

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Unbundled Access to Network Elements	)	WC Docket No. 04-313
	)	
Review of the Section 251 Unbundling	)	CC Docket No. 01-338
Obligations of Incumbent Local Exchange	)	
Carriers	)	

**DECLARATION OF DAVID L. TEITZEL**

1. My name is David L. Teitzel. My business address is 1600 7th Ave., Seattle, Washington, 98191. I have been employed by Qwest Corporation ("Qwest") for 30 years. I am currently Staff Director-Qwest Public Policy and am responsible for development and presentation in state and federal regulatory proceedings of Qwest's advocacy regarding pricing and competitive positioning of retail products and services. In this capacity, I have testified in numerous regulatory proceedings in each of Qwest's 14 in-region states and developed and presented Qwest's competitive evidence in the federal Section 271 proceedings.
2. I began my career with Qwest Communications predecessor Pacific Northwest Bell in 1974 and have held a number of management positions with the Company since that time in various departments, including Regulatory Affairs, Network and Marketing. As a Marketing manager, I was responsible for product management of Basic Exchange, Centrex and intraLATA Long

Distance services. I have also served as Market Manager for the Qwest Dex directory publishing entity.

3. In my capacity as Staff Director-Qwest Public Policy, I was responsible for developing and presenting Qwest's advocacy regarding mass market local switching in the state Triennial Review proceedings in Qwest's region and also was responsible for working with the Regional Oversight Committee ("ROC"), consisting of state commission representatives from each of the 14 states in Qwest's region, to develop a standard set of discovery questions designed to elicit data from CLECs operating in Qwest's region to provide sufficient information to enable the state commissions to develop informed recommendations to the FCC regarding the presence or absence of impairment in specific markets.
4. The purpose of my Declaration is to describe the lack of consistency, and in many instances, lack of responsiveness to discovery issued by the state commissions and Qwest to CLECs regarding the scope of CLEC operations in the 14 states. Especially with regard to CLEC-owned network facilities, Qwest simply does not have access to highly confidential, granular details of our competitors' network deployments necessary for a comprehensive view of how CLEC customers are served. Only through full, timely and accurate CLEC disclosure, in addition to relevant information the BOCs are able to provide, can regulatory agencies, either at the state or the federal level, have a clear view of the full scope of the competitive environment in the telecommunications markets.

5. Over a period of several months, ending in October 2003, I facilitated the development of over 60 draft discovery questions designed to obtain confidential CLEC information to assist the state commission in making recommendations to the FCC regarding impairment with respect to mass market local switching, high capacity loops and interoffice transport. These discovery questions were framed in a manner to obtain information relevant to the impairment "triggers" defined in the FCC's Triennial Review Order. In October 2003, these draft questions were shared with the ROC, which, in turn, made some modifications to the CLEC questions, deleted some questions and shared the proposed discovery set with its members. In some instances, state commissions issued the discovery in a manner virtually unchanged from the ROC set, and in other instances, some state commissions made further modifications prior to issuance of the CLEC discovery as bench requests. Qwest also served its own discovery on CLECs in certain instances to obtain additional data relevant to the state TRO proceedings.
6. CLEC responses to Commission bench requests and Qwest discovery were not at all consistent in the state proceedings. In some instances, CLECs provided the requested data, and in others, the CLECs simply objected to the requests or provided information that was only partially responsive. Once initiated, the state TRO proceedings in Qwest's region were operating on different schedules, with Washington being the earliest state in the schedule. Since Washington's TRO procedural schedule was earliest, the discovery process was essentially complete when the USTA II order was released, which

effectively stayed the TRO dockets in all of Qwest's states. For this reason, I have selected several examples of CLEC discovery responses from the Washington TRO docket to illustrate the difficulty in obtaining confidential CLEC data relevant to the impairment issue.

7. In regard to interoffice transport, the Washington Utilities and Transportation Commission ("WUTC") issued Bench Request No. 51 to all CLECs in the state. This request, and MCI's response, is shown below:

**CLEC QUESTION NO. 20 (Bench Request No. 51)**

**Please provide a list of all of the Qwest wire centers in Washington state, identified by name, address and CLLI code, to which you provide or offer transport facilities (i.e., any facilities that, directly or indirectly, provide connections to wire centers) to other carriers. For each such facility, please identify:**

- a. The type of transport facility (i.e., DS0, DS1, DS3, dark fiber);**
- b. The transport technology used (e.g., fiber optic (dark or lit), microwave, radio or coaxial cable;**
- c. The level of capacity the facility is capable of supporting; and**
- d. The names of the other carriers.**

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide further information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE**

Subject to and without waiving its General Objections, MCI hereby provides notice that responsive information may not be available in the form requested. MCI further states that it does not differentiate between customers on the basis of their business plans, but MCI does offer general transport services to its customers without regard to the customer's use of such facilities. MCI provides facilities from all collocations located in Washington, but MCI does not connect on a "route," as that term is defined by the FCC's *Triennial Review Order*.

By this non-confidential response, MCI appeared to acknowledge that some of its customers may be using MCI-provided transport services in the manner framed by the question, but declined (or was unable) to provide specifics that would assist the WUTC in assessing competition in the transport market.

8. Similarly, AT&T responded with an objection to WUTC Bench Request No. 50, as follows:

**BENCH REQUEST NO. 50**

**Please provide a list of all transport facilities (i.e., trunks) in Washington State between any two Qwest central offices, or between a Qwest central office and non-Qwest facilities, that you own, control, or lease of have obtained use of from an entity other than Qwest.**

**RESPONSE TO BENCH REQUEST NO. 50:**

AT&T objects to Bench Request No. 50 as set forth in the General Objections above and also to the extent it requests information that is neither relevant nor reasonably calculated to lead to the discovery of relevant and admissible evidence. AT&T further objects to Request No. 50 to the extent it requires AT&T to identify the specific geographic location of its network facilities other than its switches that would, therefore, disclose vulnerable spots in its network infrastructure in contravention of the policies expressed in the Homeland Security Act, 6 U.S.C. § 133(a)(1)(E).

In this instance, the objection to the WUTC's bench request is one of relevance. Yet, the requested information is clearly relevant to the WUTC's inquiry regarding competition in the Transport market and is information the WUTC needed to develop an informed recommendation to the FCC regarding the presence or absence of impairment in that market.

9. In regard to high capacity loops, Qwest served discovery to obtain the quantity of DS1 loop terminations in Qwest wire centers in Washington. This data request, and MCI's non-confidential response to it, are shown below:

**QWEST DATA REQUEST NO. 31:**

**Referring to page 14 of the Direct Testimony of Mark L. Stacey, please provide a count, by wire center, of the number of MCI local exchange customers served via DS1s to the customer location that have the following specific number of active DS1 channels serving the customer location, as shown in the table below.**

WIRE CENTER	NUMBER OF ACTIVE DS1 TERMINATIONS AT CUSTOMER LOCATION	TOTAL NUMBER OF CUSTOMERS
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	
	21	
	22	
	23	
	24	

**MCI'S RESPONSE TO DATA REQUEST NO. 31:**

MCI does not track the requested information in the normal course of business.

In this instance, MCI was apparently unable or unwilling to provide information regarding customers it serves via high capacity loops, which is information the WUTC needed to conduct a comprehensive impairment analysis regarding high capacity loops in Washington.

10. The examples discussed above are not comprehensive and do not reflect the completeness of all discovery responses in the Washington docket. However, these examples provide some insight into the inconsistency of CLEC responses received to commission and Qwest discovery. This same inconsistency was seen in discovery responses in other state TRO proceedings in Qwest's region, which were in various stages of their procedural schedules when the schedules were stayed pursuant to the USTA II findings. Clearly, Qwest cannot have perfect vision of the full scope of CLEC network deployment, since many facts regarding such deployments are very closely held by the CLECs. By withholding such facts, the CLECs truncate the ability of state (and federal) regulators to accurately gauge the full extent of competition in the telecommunications markets.

